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Attorneys for Defendant Anton Chamberlain,
Josh Sutherland, and Silverline Security, LLC

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

VIVINT, INC., a Utah corporation,

Plaintiff,

v.

SILVERLINE SECURITY, LLC, an Idaho
limited liability company, ANTOINE
CHAMBERLAND, an individual, DANIEL
BARNETT, an individual, LEO MITCHELL,
an individual, NICK PULISLE, an individual,
BEN SUTHERLAND, an individual, JOSH
SUTHERLAND, an individual, JEFF
WILSON, an individual, PAUL WATKINS,
an individual, and JOHN DOES, individuals,

Defendants.

**DEFENDANT ANTON
CHAMBERLAIN'S NOTICE OF
REMOVAL & CONSENT OF
DEFENDANTS SILVERLINE
SECURITY, LLC & JOSH
SUTHERLAND**

Civil No. 2:12-cv-00915

Judge Dale A. Kimball

(Removal from the Fourth Judicial District
Court in and for Utah County, State of Utah,
Civil No. 110401153)

Pursuant to § 1441 of Title 28 of the United States Code, Defendant Anton Chamberlain hereby removes the action styled *Vivint, Inc. v. Silverline Security, LLC, Antoine Chamberland, Daniel Barnett, Leo Mitchell, Nick Pulisle, Ben Sutherland, Josh Sutherland, Jeff Wilson, Paul Watkins, and John Does*, in the Fourth Judicial District Court, in and for Utah County, State of Utah, Civil No. 110401553 to the United States District Court for the District of Utah.

Removal is proper because, as set forth below, this Court has subject matter jurisdiction over Vivint, Inc.'s claims and procedural requirements for removal are satisfied.

I. THIS COURT HAS SUBJECT MATTER JURISDICTION

Plaintiff Vivint, Inc. ("**Plaintiff**") filed an Amended Complaint in this action on or about August 17, 2011, in the Fourth Judicial District Court in and for Utah County, State of Utah, Civil No. 110401553 (the "**State Court Action**"). In the Amended Complaint, the Plaintiff asserts, among other claims, that Defendant Anton Chamberlain violated various provisions of the federal Lanham Act (the "**Lanham Act**") (*see* ¶¶ 76-79 of the Amended Complaint). Because these claims arise under federal statute, this Court has subject matter jurisdiction over the claims pursuant to 28 U.S.C. § 1331. Further, the court has supplemental jurisdiction over Plaintiff's other claims (state and common law) which arise out of the "same case or controversy" under 28 U.S.C. § 1367(a). Accordingly, the action may be removed to this Court pursuant to 28 U.S.C. § 1441.

II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

1. Prince Yeates & Geldzahler accepted service on behalf of Defendant Anton Chamberlain on September 26, 2010. A copy of the Acceptance of Service and the underlying Amended Complaint are attached hereto as Exhibit A. Because this Notice of Removal is filed within 30 days of receipt of the acceptance of service, the removal is timely under 28 U.S.C. § 1446(b).

2. All pleadings served on Defendant Anton Chamberlain are attached hereto.

3. Defendants Josh Sutherland and Silverline Security, LLC, by and through their undersigned counsel, consent to the removal of the State Court Action. Upon information and

belief, no other named defendants have been served. Therefore, this Notice of Removal contains the proper consents required under 28 U.S.C. § 1446(b)(2).

4. In compliance with 28 U.S.C. § 1446(d), Defendant Anton Chamberlain as the Removing Defendant, will serve on Plaintiff, and file with the State Court, a notice of this removal, attaching a copy hereof.

WHEREFORE, Defendant Anton Chamberlain removes this action from the Fourth Judicial District Court in and for Utah County, State of Utah, to this Court pursuant to 28 U.S.C. § 1441.

DATED this 27th day of September, 2012.

PRINCE, YEATES & GELDZAHLER
A Professional Corporation

By: /s/ John S. Chindlund
John S. Chindlund
Justin B. Bradshaw
Attorneys for Defendants Silverline Security, LLC,
Anton Chamberlain, and Josh Sutherland

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of September, 2012, I served the foregoing
**DEFENDANT ANTON CHAMBERLAIN'S NOTICE OF REMOVAL & CONSENT OF
DEFENDANTS SILVERLINE SECURITY, LLC & JOSH SUTHERLAND** by causing a
true and correct copy thereof to be mailed, via United States Mail, postage prepaid, and to be
sent electronically, to the following:

Rodney G. Snow
Matthew A. Steward
CLYDE SNOW & SESSIONS
One Utah Center, 13th Floor
201 South Main Street
Salt Lake City, Utah 84111-2216

rgs@clydesnow.com
mas@clydesnow.com

/s/ John S. Chindlund